

NO. 82600-5

WASHINGTON STATE

SUPREME COURT

STATE OF WASHINGTON,

Plaintiff,
Respondent,

vs.

MARK JOSEPH AFANA,

Defendant,
Appellant.

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
2010 MAY -5 AM 7:59
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FIFTH ADDITIONAL STATEMENT OF AUTHORITIES

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COMES NOW, MARK JOSEPH AFANA, by and through the undersigned attorney, and requests the Court to consider the following Fifth Additional authorities in connection with his appeal:

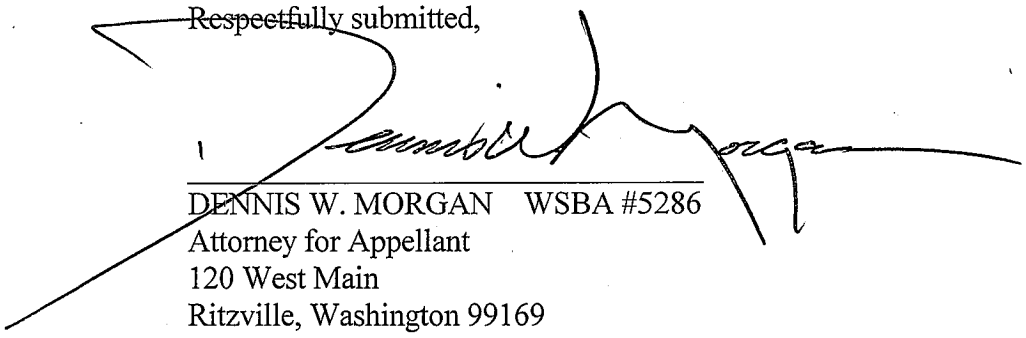
State v. Burnett, 154 Wn. App. 650 (2010) (a criminal defendant may raise an issue on appeal when a CrR 3.6 motion to suppress evidence is not raised in the trial court).

State v. Nyegaard, 154 Wn. App. 641 (2010) (a criminal defendant may not raise an issue on appeal which is not presented to the trial court in a CrR 3.6 motion).

DATED this 3^d day of May, 2010.

Both cases are Division II case with a different panel of judges involved in each case.

Respectfully submitted,



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